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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 CHASOM BROWN, WILLIAM BYATT,
13 JEREMY DAVIS, CHRISTOPHER CASTILLO,
14 and MONIQUE TRUJILLO individually and on
behalf of all other similarly situated,

15 Plaintiffs,

16 v.

17 GOOGLE LLC,

18 Defendant.

19 Case No.: 4:20-cv-03664-YGR-SVK

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**[PROPOSED] ORDER DENYING
GOOGLE'S MOTION FOR SUMMARY
JUDGMENT**

Judge: Hon. Yvonne Gonzalez Rogers

1 Before the Court is Google LLC’s (“Google”) Motion for Summary Judgment (Dkt. 908)
2 (the “Motion”) and Plaintiffs’ Response in Opposition to Google’s Motion for Summary Judgment
3 (Dkt. ____) (the “Response”). Having considered the parties’ papers filed in support of and in
4 opposition to the Motion, argument by counsel, and all other matters properly considered by this
5 Court, the Court finds there is good cause to **DENY** Google’s Motion.

6 Plaintiffs have raised triable issues of material fact that preclude summary judgment. *Cal. v.*
7 *Ross*, 362 F. Supp. 3d 749, 755-56 (N.D. Cal. 2018); *Opperman v. Path, Inc.*, 205 F. Supp. 3d 1064,
8 1074 (N.D. Cal. 2016). The legal arguments that Google advances in its Motion are not new and
9 have twice been rejected in this litigation. Dkt. 113 (order denying first motion to dismiss), Dkt. 363
10 (order denying second motion). The evidence that Plaintiffs have identified supports Article III
11 standing and substantiates the allegations from their Fourth Amended Complaint in support of their
12 seven causes of action, creating at minimum triable issues of material fact. Accordingly, Google
13 cannot meet its summary judgment burden to prove that “no reasonable jury could find” for
14 Plaintiffs, *Calhoun v. Google, LLC*, 2022 WL 18107184, at *7 (N.D. Cal. Dec. 12, 2022).

15 **THEREFORE, IT IS ORDERED** that for the reasons stated in the Plaintiffs’ Response in
16 Opposition to Google’s Motion for Summary Judgment, Google’s Motion for Summary Judgment
17 is **DENIED**.

18 **IT IS SO ORDERED.**

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20 DATED: _____

21 HON. YVONNE GONZALEZ ROGERS
22 United States District Judge
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